

02-21-06

37031-23.CRR.gp.386765

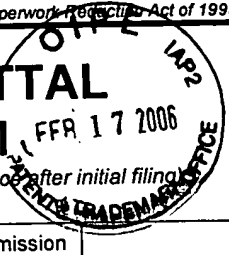
WEMMH PTO/SB/21 (09-04)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)



Application Number	10/608,799
Filing Date	June 27, 2003
First Named Inventor	Paul Stanish
Art Unit	3738
Examiner Name	Paul B. Preblich
Attorney Docket Number	37031-23

Total Number of Pages in this Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Credit Card Payment Form <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO Form 1449A and 3 non patent literature documents.
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP	
Signature		
Printed Name	Charles R. Reeves	
Date	February 17, 2006	Reg. No. 28,750

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as "**Express Mail Post Office to Addressee**" in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mailing Label No. 746141661, on the date indicated below.
- ☐ I hereby certify that this correspondence is being **facsimile transmitted** to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on the date indicated below.

Charles R. Reeves
Typed/printed name of person signing this certificate

Signature

February 17, 2006
Date

#385247



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
Paul Stanish)	Before the Examiner
)	Paul B. Prebilic
Serial No.: 10/608,799)	
)	
Filed: June 27, 2003)	Group Art Unit: 3738
)	
ARTERIOVENOUS GRAFTS AND)	
METHODS OF IMPLANTING THE)	
SAME)	Atty Docket No. 37031-23

INFORMATION DISCLOSURE STATEMENT

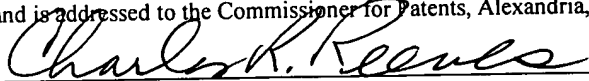
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Commissioner:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98, Applicant submits additional copies of the following references listed on the attached Information Disclosure Statement Form. These references were previously listed by the Applicant in its form 1449A filed concurrently with this application. However, pursuant to 37 C.F.R. §1.98(d), copies of the references were not provided since they had been previously submitted in the U.S. parent patent application, Serial No. 09/704,083, filed November 1, 2000.

Express Mail Label No. EV 746141661 Date of Deposit February 17, 2006


I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VI 22313-1450.


Charles R. Reeves

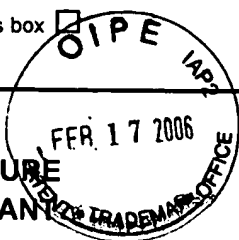
In an Office Action dated January 19, 2006, these same references were crossed out by the Examiner as not having been considered. In a follow-up voice mail message left February 8, 2006, the Examiner, Paul Prebilic, indicated that the three references were not considered because they could not be located in the parent application file. For that reason, Applicant is happy to resubmit copies of these references for the Examiner's consideration.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information or references cited are or are considered to be, material to patentability of the subject application as defined in 37 C.F.R. §1.56, or that any information or references cited are prior art of any kind. As previously noted, these references were originally cited and submitted to the U.S. Patent Office on September 24, 2001, and were considered by the Examiner in the parent application as evidenced by the office action mailed October 1, 2002. Therefore no fees are believed due for submission and consideration of these references in this application because the documents were apparently lost by the Office. However, the Commissioner is hereby authorized to charge any required fees or credit any amount to Deposit Account No. 23-3030, but not to include any payment of issue fees in this case.

Respectfully submitted,

By: 
Charles R. Reeves, Reg. No. 28,750
Woodard, Emhardt, Moriarty
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

Please type a plus sign (+) inside this box ☐
 Doc #385264



Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/608,799
				Filing Date	June 27, 2003
				First Named Inventor	STANISH
				Group Art Unit	3738
				Examiner Name	Paul B. Prebilit
Sheet	1	Of	1	Attorney Docket Number	37031-23
OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), Publisher, city and/or country where published			T
	B1	DEIERHOI, Mark H. , <i>Preliminary Results of an Aggressive Approach to Arteria Fistula Construction for Hemodialysis</i> , The Seventh Biannual Symposium on Dialysis Access, Vascular Access for Hemodialysis VII, May 4-5, 2000, San Antonio, Texas.			
	B2	EGGERS, Paul W. , <i>Medicare Expenditures for Fistula, Graft, and Catheter-Access Procedures</i> , The Seventh Biannual Symposium on Dialysis Access, Vascular Access for Hemodialysis VII, May 4-5, 2000, San Antonio, Texas.			
	B3	HAKIM, Raymond and HIMMELFARB, Jonathan , <i>Hemodialysis access failure: A call to action</i> , Kidney International, (1998) 54:1029-1040			
	B4				
	B5				
	B6				
	B7				
	B8				
	B8				
	B9				
	B10				
	B11				
	B14				
Examiner Signature				Date Considered	
*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					